

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE CERTAIN NON-DISCLOSURE :
ORDERS ISSUED TO GOOGLE LLC :
PURSUANT TO 18 U.S.C. § 2705(b) :

Misc. Case No.: 21-252

**JOINT STIPULATION TO VACATE AND MODIFY CERTAIN NON-DISCLOSURE
ORDERS ISSUED TO GOOGLE LLC PURSUANT TO 18 U.S.C. § 2705(b)**

This Stipulation is entered into by the United States of America (the "United States") and Google LLC ("Google") (collectively, the "Parties"), by and through their respective counsel, with reference to the following facts and recitals.

WHEREAS, the United States has obtained legal process ("Production Demands and Orders"), requiring Google to provide records and information pertaining to certain Gmail and Google Workspace enterprise email accounts.

WHEREAS, the United States has also obtained non-disclosure orders pursuant to 18 U.S.C. § 2705(b) (the "NDOs"), which prohibit Google from notifying any person of the existence of certain Production Demands and Orders until a specified date or for a specified period.

WHEREAS, the Parties agree that certain NDOs should now, in light of current and particularized circumstances, be vacated in their entirety or modified in part to permit limited disclosure, as described below.

NOW THEREFORE, the Parties stipulate that the NDOs identified in Sealed Appendix – Section I below shall be vacated in their entirety immediately upon the Court's approval of this

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Stipulation. As such, Google is permitted to disclose the NDOs and Production Demands and Orders identified in Sealed Appendix – Section I. However, Google agrees to limit disclosure as follows: Google will provide the aforementioned NDOs and Production Demands and Orders only to the account-holders of the Gmail accounts and to the domain administrators for the Google Workspace enterprise accounts that are identified in Column 4 of Sealed Appendix – Section I. In making these disclosures, Google will only disclose email accounts that are owned or administered by the account-holder or domain administrator to whom disclosure is being made. Before providing any NDO, Production Demand, or Production Order to an account-holder or domain administrator identified in Column 4 of Sealed Appendix – Section I, Google will redact all email accounts that are not owned or administered by the account-holder or domain administrator to whom disclosure is being made ("Third-Party Accounts").

The Parties further stipulate that the NDOs identified in Sealed Appendix – Section II below shall be modified as follows: Google is permitted to disclose and to provide the NDOs and Production Demands and Orders identified in Sealed Appendix – Section II to the account-holders of the Gmail accounts and to the domain administrators for the Google Workspace enterprise accounts that are identified in Column 4 of Sealed Appendix – Section II. In making these disclosures, Google shall only disclose email accounts that are owned or administered by the account-holder or domain administrator to whom disclosure is being made. Before providing any NDO, Production Demand, or Production Order to an account-holder or domain administrator identified in Column 4 of Sealed Appendix – Section II, Google will redact all Third-Party Accounts, including those identified in Columns 4 and 5 of Sealed Appendix – Section II.

It is so stipulated.

DATED: June 28, 2021

COBLENTZ PATCH DUFFY & BASS LLP

By: /s/ Rees F. Morgan
Rees F. Morgan
Attorney for Google LLC

DATED: June 28, 2021

DAVID C. WEISS
United States Attorney

By: /s/ Carly A. Hudson
Carly A. Hudson
Assistant United States Attorney

ORDER

Pursuant to the Stipulation of the Parties, and good cause appearing, the Court orders that the NDOs identified in the sealed appendix be vacated or modified as described in the Parties' stipulation above.

IT IS SO ORDERED.

DATED: June 28, 2021



HONORABLE SHERRY R. FALLON
UNITED STATES MAGISTRATE JUDGE